

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GABRIEL ALLEN ECKARD,

Plaintiff,

v.

ALTA LANGDON, *et al.*,

Defendants.

CASE NO. C19-0579-JCC

ORDER

This matter comes before the Court on Plaintiff's objections (Dkt. No. 22) to the report and recommendation ("R&R") of the Honorable Mary A. Theiler, United States Magistrate Judge (Dkt. No. 21). Having thoroughly considered the R&R, Plaintiff's objections, and the relevant record, the Court finds oral argument unnecessary and hereby finds and ORDERS as follows:

The R&R sets forth the facts relevant to Plaintiff's motion, and the Court will not repeat them here. (*See* Dkt. No. 21.) Plaintiff is detained at the Snohomish County Jail and brings a *pro se* § 1983 claim against Defendants for allegedly denying him mental health care in violation of his constitutional rights. (Dkt. No. 5.) Plaintiff now moves for a preliminary injunction directing Defendants to provide him needed mental health care. (Dkt. No. 15.) The R&R observes the bare and conclusory nature of Plaintiff's argument for a preliminary injunction. (Dkt. No. 21 at 3.) The R&R concludes that although Plaintiff asserts viable constitutional claims, he has not

1 demonstrated in the instant motion that he is likely to prevail on the merits of those claims or that
2 the balance of hardships is clearly in his favor. (*Id.* at 4.) Therefore, the R&R recommends
3 denying Plaintiff's motion for a preliminary injunction. (*Id.*)

4 Although Plaintiff timely filed objections, he does not challenge the bulk of the R&R's
5 findings and conclusions. His sole substantive objection is that his serious mental illness, as
6 documented in an unsigned psychiatrist's report attached to his reply brief, demonstrates that
7 Plaintiff is entitled to mental health treatment. (*See* Dkt. Nos. 19 at 3–35, 22 at 2.) The Court
8 agrees with the R&R's conclusion that the psychiatrist's report addresses Plaintiff's mental
9 health condition, not what treatment Plaintiff requires. (*See* Dkt. No. 21 at 3.) And Plaintiff does
10 not object to the R&R's conclusion that he has not established a likelihood of irreparable harm,
11 that the balance of hardships tips in his favor, and that a preliminary injunction in is in the public
12 interest, as required to merit injunctive relief. (*See* Dkt. No. 22); *Winter v. Nat. Res. Def.*
13 *Council, Inc.*, 555 U.S. 7, 20 (2008). Thus, Plaintiff has not demonstrated that he is entitled to
14 the extraordinary remedy of injunctive relief. *See Winter*, 555 U.S. at 20. Therefore, the Court
15 hereby ORDERS as follows:

- 16 1. Plaintiff's objections (Dkt. No. 22) are OVERRULED;
- 17 2. The report and recommendation (Dkt. No. 21) is ADOPTED;
- 18 3. Plaintiff's request for a preliminary injunction (Dkt. No. 15) is DENIED without
19 prejudice; and
- 20 4. The Clerk is directed to send copies of this Order to Plaintiff, to counsel for Defendants,
21 and to Judge Theiler.

22 DATED this 6th day of January 2020.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE